

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EUGENE SCALIA, <i>Secretary of Labor</i> ,	)	
	)	
Plaintiff,	)	2:17-cv-880
	)	
v.	)	
SX MANAGEMENT, LLC, <i>a limited liability corporation doing business as STOREXPRESS</i> , STEVEN MITNICK, <i>individually, and as President and/or owner of SX Management, LLC</i> , and EDMOND MCKEAN, <i>individually and as an employee of SX Management, LLC</i> ,	)	District Judge Marilyn J. Horan
	)	Magistrate Judge Maureen P. Kelly
	)	
	)	
Defendants.	)	
	)	
	)	
EDMOND MCKEAN, <i>individually and as an employee of SX Management, LLC</i> ,	)	
	)	
Cross Claimant,	)	
	)	
v.	)	
STEVEN MITNICK, <i>individually, and as President and/or owner of SX Management, LLC</i> , and SX MANAGEMENT, LLC, <i>a limited liability corporation doing business as STOREXPRESS</i> ,	)	
	)	
Cross Defendants.	)	


**Order of the Court**

AND NOW, this 20th day of July, 2021, it is hereby ORDERED that, in accordance with the Opinion of the Court (ECF No. 128), the June 16, 2021 Report and Recommendation (ECF No. 122) is ADPOTED, AS AMENDED by the Opinion of this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Report and Recommendation and in the Opinion of the Court, the SX Defendants' Motion for Partial Summary Judgment (ECF No. 109) is DENIED as to the claims asserted by the Secretary of Labor on behalf of Defendant Edmond McKean.

IT IS FURTHER ORDERED that, for the reasons set forth in this Court's Opinion, the SX Defendants' Motion for Partial Summary Judgment is DENIED AS MOOT as to Mr.

McKean's dismissed cross-claim against the SX Defendants.

  
Marilyn J. Horan  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record via CM-ECF